

REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-21 in the application. In previous responses, the Applicants amended Claims 1, 8, and 15 and canceled Claims 2-3, 9-10, and 16-17 without prejudice or disclaimer. In the present response, the Applicants have not amended, canceled, or added any claims. Accordingly, Claims 1, 4-8, 11-15, and 18-21 are currently pending in the application.

I. Formal Matters and Objections

The Examiner has requested pertinent pages of the reference or the reference in its entirety entitled "Electronic Payment Systems" by Donal O'Mahony, Michael Peirce, and Hitesh Tewari, Artech House (1997) as cited in the Applicant's Specification. A copy of this book has been sent to the address the Examiner specified in the Final Rejection of October 10, 2007.

II. Rejection of Claim 1 under 35 U.S.C. §103

The Examiner has rejected Claim 1 under 35 U.S.C. §103(a) as being unpatentable over International Publication No. EP 0917327 by Nikander. The Applicants respectfully disagree since Nikander does not teach or suggest wirelessly transmitting content to a requestor as recited in independent Claim 1.

As discussed during the interview on December 5, 2007, Nikander teaches in paragraph 58 and Figure 6 that a user can contact an ISP system 105 wirelessly through a mobile telephone 202 or PDA device 206 to initiate electronic money payments. However, the Applicants fail to find where Nikander teaches or suggests wirelessly transmitting content to the user as recited in

independent Claim 1. On the contrary, Nikander is concerned with making it easier for users to pay for service/merchandise with electronic money, not with electronically fulfilling a request that is paid for with the electronic money. (*See*, for example, paragraphs 1 and 9.) As such, Nikander does not establish a *prima facie* case of obviousness of Claim 1. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claim 1 and allow issuance thereof.

III. Rejection of Claims 4-7, 11-14 and 18-21 under 35 U.S.C. §103

The Examiner has rejected Claims 4-7, 11-14 and 18-21 under 35 U.S.C. §103(a) as being unpatentable over Nikander in view of International Publication No. WO 01/57617 by Blackson, *et al.* The Applicants respectfully disagree.

As established above, Nikander does not establish a *prima facie* case of obviousness of independent Claim 1. Analogously, Nikander does not establish a *prima facie* case of obviousness of independent Claims 8 and 15. The Applicants do not find where Blackson, as applied by the Examiner, cures the deficiencies of Nikander. Additionally, the Examiner does not cite Blackson to cure the deficiencies of Nikander but to teach the subject matter of the above mentioned dependent Claims. (*See* Final Rejection of October 10, 2007, pages 3-5.) As such, the cited combination of Nikander and Blackson does not establish a *prima facie* case of obviousness of independent Claims 1, 8, and 15 and Claims that depend thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 4-7, 11-14 and 18-21 and allow issuance thereof.

IV. Rejection of Claims 8 and 15 under 35 U.S.C. §103

The Examiner has rejected Claims 8 and 15 under 35 U.S.C. §103(a) as being unpatentable over Blackson, *et al.* The Applicants respectfully disagree since Blackson does not teach or suggest wirelessly receiving payment information and a content request from a requestor as recited in independent Claims 8 and 15.

Blackson teaches an ATM including at least one input device 16 such as a keypad or selection buttons which enable the user to enter operation inputs such as a selection of a particular digital sound recording or other portion of the digital content to dispense. (*See* page 11, lines 3-7.) Blackson also teaches a card reader 20 that reads indicia corresponding to account information from a user's card and stores account data and/or information which may be used to identify a user or their accounts. (*See* page 11, lines 12-17.) Thus, Blackson teaches receiving information via a keypad, selection buttons, or card reader but does not teach wirelessly receiving a content request or payment information.

Furthermore, the Applicants do not find where Blackson suggests wirelessly receiving payment information and a content request from a requestor. Blackson considers alternative embodiments for interacting with the ATM. Each of these alternative embodiments, however, such as a touch screen device, a speech recognition system, or a track ball, requires physical interaction with the ATM instead of wireless interaction. (*See* page 11, lines 8-11.) Therefore, Blackson does not teach or suggest wirelessly receiving payment information and a content request from a requestor as recited in independent Claims 8 and 15 and, thus, does not provide a *prima facie* case of obviousness for independent Claims 8 and 15. Accordingly, the Applicants

respectfully request the Examiner to withdraw the §103(a) rejection of Claims 8 and 15 and allow issuance thereof.

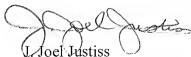
V. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1, 4-8, 11-15, and 18-21.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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